

Docket No.: 0649-1119PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiromitsu YAMAKAWA

Application No.: 10/790,882

Filed: March 3, 2004

For: IMAGING LENS

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SEP 21 2005

Confirmation No.: 4740

OFFICE OF PETITIONS

Art Unit: 2873

Examiner: D. J. Collins

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE
1.114 RCE APPLICATION)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

a. Copies of cited U.S. patents and patent application publications are not included.

Copies of foreign patent documents and non-patent literature are included.

b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

- filed -

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: English language abstracts of the references are enclosed. Accordingly, the requirement for a concise explanation of the relevancy is satisfied.

c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. OTHER - The following additional information is provided for the Examiner's consideration.

IV. FEES (check one box)

a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.

(This section is not to be used with RCE's.)

d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

- f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).
- g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

See the statement below. No fee is required.

V. **STATEMENT UNDER 37 C.F.R. § 1.97(e)**

(check only one box)

The undersigned hereby states that:

- a. **Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or**
- b. **Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or**

- c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

- The required fee is listed on the attached Fee Transmittal.
- No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 28, 2005

Respectfully submitted,

By 
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Attachment(s):

- PTO-SB08
- Documents
- Foreign Search Report/Office Action
- Fee
- Other:

Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/790,882-Conf. #4740
				Filing Date	March 3, 2004
				First Named Inventor	Hiromitsu YAMAKAWA
				Art Unit	2873
				Examiner Name	D. J. Collins
Sheet	1	of	1	Attorney Docket Number	0649-1119PUS1

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OFFICE OF PETITIONS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)	MM-DD-YYYY		

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY		
BA	JP-2001-183578-A		07-06-2001	Milestone KK	
BB	JP-2001-174701-A		06-29-2001	Tochigi Nikon Corp.	
BC	JP-2000-347352-A		12-15-2000	Fuji Photo Film Co., Ltd.	
BD	JP-2000-321489-A		11-24-2000	ENPLAS Corp.	
BE	JP-2000-162498-A		06-16-2000	Matsushita Electric Works, Ltd.	
BF	JP-2000-035533-A		02-02-2000	Sony Corp.	
BG	JP-11-337820-A		12-10-1999	Konica Corp.	
BH	JP-2001-504949-A		04-10-2001		
BI	JP-10-115777-A		05-06-1998	Olympus Optical Co. Ltd.	
BJ	JP-10-104511-A		04-24-1998	Hinode:KK	
BK	JP-10-078543-A		03-24-1998	Olympus Optical Co., Ltd.	
BL	JP-09-281388-A		10-31-1997	Olympus Optical Co., Ltd.	
BM	JP-07-043607-A		02-14-1995	Matsushita Electric Ind. Co., Ltd.	
BN	JP-06-230275-A		08-19-1994	Matsushita Electric Ind. Co., Ltd.	
BO	JP-05-341185-A		12-14-1993	Olympus Optical Co., Ltd.	
BP	JP-05-281465-A		10-29-2003	Konica Corp.	
BQ	JP-02-077712-A		03-16-1990	Sankyo Seiki Mfg. Co., Ltd.	
BR	JP-02-071219-A		03-09-1990	Konica Corp.	
BS	JP-2003-140038-A		05-14-2003	Kyocera Corp.	
BT	JP-2003-149551-A		05-21-2003	Sony Corp.	
BU	JP-2004-020996-A		01-22-2004	Nissei Denki Kogyo KK	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

A=English Language Abstract

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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拒絶理由通知書

特許出願の番号	特願 2003-063786
起案日	平成 17 年 5 月 19 日
特許庁審査官	吉野 公夫 8106 2V00
特許出願人代理人	三反崎 泰司 (外 1名) 様
適用条文	第 29 条第 2 項、第 29 条の 2

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から 60 日以内に意見書を提出して下さい。

理由

A. この出願の請求項 1 ~ 7 に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第 29 条第 2 項の規定により特許を受けることができない。

記

特開 2001-183578 号公報
 特開 2001-174701 号公報
 特開 2000-347352 号公報 (図 33 のもの)
 特開 2000-321489 号公報
 特開 2000-162498 号公報 (図 5 のもの)
 特開 2000-035533 号公報 (表 10, 13 のもの)
 特開平 11-337820 号公報
 特表 2001-504949 号公報 (図 1, 2 のもの)
 特開平 10-115777 号公報 (図 1, 2, 9, 10 のもの)
 特開平 10-104511 号公報
 特開平 10-078543 号公報 (図 5, 9, 18, 19 のもの)
 特開平 09-281388 号公報 (図 17 のもの)
 特開平 07-043607 号公報
 特開平 06-230275 号公報
 特開平 05-341185 号公報
 特開平 05-281465 号公報
 特開平 02-077712 号公報
 特開平 02-071219 号公報

適当な面に非球面を導入することは、当業者が必要に応じて適宜に行うことのできる設計上の事項である。

なお、引用した上記各引用文献に対して意見書を提出する場合は、本願の特許請求の範囲に記載された全ての条件式について、その条件式に規定された数値範囲と上記各引用文献に記載されたレンズ系のデータから算出した具体的数値とを比較し、両者の差及びそれに基づく収差曲線図上等での効果上の差異を主張することにより、本発明の特徴・効果を主張されたい。

B. この出願の請求項1～7に係る発明は、その出願の日前の特許出願であって、その出願後に出願公開がされた下記の特許出願の願書に最初に添付された明細書又は図面に記載された発明と同一であり、しかも、この出願の発明者がその出願前の特許出願に係る上記の発明をした者と同一ではなく、またこの出願の時ににおいて、その出願人が上記特許出願の出願人と同一でもないので、特許法第29条の2の規定により、特許を受けることができない。

記

特願2001-332442号（特開2003-140038号公報）

特願2001-346001号（特開2003-149551号公報）

特願2002-176824号（特開2004-020996号公報）

上記各文献に対して意見書を提出する場合は、本願の特許請求の範囲に記載された全ての条件式について、その条件式に規定された数値範囲と上記各文献に記載されたレンズ系のデータから算出した具体的数値とを比較し、両者の差異を主張することにより、本発明の特徴・効果を主張されたい。

この拒絶理由通知書の内容に関するお問い合わせは、特許庁特許審査第一部応用光学・吉野公夫（03-3581-1101内線3229）まで。

先行技術文献調査結果の記録

・調査した分野 I P C 第7版 G 0 2 B 9 / 0 0
G 0 2 B 1 3 / 0 0

部長／代理	審査長／代理	審査官	審査官補
_____	_____	_____	_____
_____	山下 崇	吉野 公夫	_____
_____	8 8 0 6	8 1 0 6	_____

[Patent] 2003-063786 [Dispatch Number] 182954

Notification of Reasons for Refusal

Patent Application No.	Patent Application No. 2003-063786
Drafting Date	May 19, 2005
Examiner of JPO	Kimio Yoshino 8106 2V00
Representative of Patent Applicant	Mr. Taiji Mitazaki (one other)
Applied Provision	Section 29(2), Section 29bis

This application should be refused for the reasons mentioned below. If the applicant has any argument against the reasons, such argument should be submitted within sixty days from the date on which this notification was dispatched.

REASONS

A. The invention in the claims 1 to 7 of this application should not be granted a patent under the provision of Patent Law Section 29(2) since it could have easily been made by those who have common knowledge in the technical field to which the invention belongs, on the basis of invention(s) described the publications listed below which has distributed in Japan or foreign countries or invention(s) made available for the public through an electric communication line prior to the filing of this application.

NOTE

JP-A-2001-183578
JP-A-2001-174701
JP-A-2000-347352 (Fig. 33)
JP-A-2000-321489
JP-A-2000-162498 (Fig. 5)
JP-A-2000-035533 (Tables 10 and 13)
JP-A-11-337820
JP-T-2001-504949 (Figs. 1 and 2)
JP-A-10-115777 (Figs. 1, 2, 9, and 10)

JP-A-10-104511

JP-A-10-078543 (Figs. 5, 9, 18, and 19)

JP-A-09-281388 (Fig. 17)

JP-A-07-043607

JP-A-06-230275

JP-A-05-341185

JP-A-05-281465

JP-A-02-077712

JP-A-02-071219

It is a matter of design that those skilled in the art can perform as required according to circumstance to introduce an aspherical surface into an appropriate surface.

Note that, when the applicant submits an argument with respect to the respective cited references described above, the applicant is requested to argue characteristics and effects of the invention by comparing, for all the conditional expressions described in claims of this application, numerical ranges defined by the conditional expressions and specific numerical values calculated from data of the lens systems described in the respective cited references and arguing differences between the numerical ranges and the numerical values and differences in terms of effects on aberration curves or the like based on the differences between the numerical ranges and the numerical values.

B. The invention in the claims 1 to 7 of this application should not be granted a patent under the provision of Patent Law Section 29bis since it is identical with the inventions described in the specifications or the drawings originally attached to the application forms of the patent applications listed below which were filed before the filing date of the application and laid open to the public after the application, and the inventor of this application is not identical with those who made the inventions according to the patent applications filed before the application and, at the time of this application, the applicant of the application is not identical with the applicants of the patent applications.

NOTE

Japanese Patent Application No. 2001-332442 (JP-A-2003-140038)

Japanese Patent Application No. 2001-346001 (JP-A-2003-149551)

Japanese Patent Application No. 2002-176824 (JP-A-2004-020996)

When the applicant submits an argument with respect to the respective cited references, the applicant is requested to argue characteristics and effects of the invention by comparing, for all the conditional expressions described in patent claims of this application, numerical ranges defined by the conditional expressions and specific numerical values calculated from data of the lens systems described in the respective cited references and arguing differences between the numerical ranges and the numerical values.

For inquiries concerning the contents of this written notice of reasons for refusal, please contact Japan Patent Office, Patent Examination First section, Applied Optics, Kimio Yoshino (03-3581-1101, ext. 3229).

Record of results of prior art document searches

· Searched field	IPC seventh edition	G02B 9/00
		G02B 13/00

Manager/Acting Manager

Chief Examiner/Acting Chief Examiner

Takashi Yamashita

8806

Examiner

Kimio Yoshino

8106

Assistant Examiner